THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO.864 of 2006

18th August 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13.12.2002 in W.P.NO.23524 OF 1999 on the file of the High Court.)

Between:

A.Vimala Reddy, W/o.Indrasena Reddy, 65 years,k Agriculture, R/o.Flat No.10, High, Phase-I, Baghlingampally, (Block-B), Hyderabad/Vellulla (V), Metpalli (M), Karimnagar District.

...APPELLANT

AND

1. R.Purushottam, S/o.Narender, 45 years, Business, R/o.Metpalli, Karimnagar District (Petitioner in W.P.).

And three others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO.864 of 2006

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

This appeal is at the instance of the third party of the Writ Petition aggrieved by the order dated 13.12.2002 in W.P.No.23524 of 1999. As per the order, it is apparent that there was no representation on behalf of the writ petitioner-the first respondent herein. In the Writ Petition, the complaint was against the action of the Gram Panchayat with regard to demolition of the writ petitioner's residential hut and compound wall in Survey No.1213/2, an extent of three guntas situated in Metpally, Karimnagar District. Ultimately, the learned Single Judge disposed of the Writ Petition by taking note of the fact that there was interim stay dated 11.12.1999 for a period of three weeks and directed the Gram Panchayat to follow the due process of law contemplated under the Land Acquisition Act, 1894 or under the Land Encroachment Act, if there is an encroachment, by issuing a notice and take

possession of the property as held by the Division Bench of this Court in W.P.No.21198 of 1997 on 03.02.1998.

The complaint of the appellant is that she is the owner of the said property and her son was made party and no proper address was given. Thus, the appellant has no opportunity to contend the said proceedings. Further, under the guise of the order of the learned Single Judge, the Gram Panchayat subsequently issued a memo dated 14.02.2005 in File No.A2/63/MCM/05 styling it as notice in reply to the application made by the appellant seeking permission for making construction to the effect that the property has been claimed by her son and to obtain orders in this Writ Petition, which is under challenge in this appeal. Therefore, the appellant was directed the appellant to obtain necessary orders form this Court.

Having heard on either side and on perusal of the material available on record, we do not find any merits in the complaint made as such. No doubt, the Gram Panchayat directed the appellant to obtain necessary orders from this Court in view of the order dated 13.12.2002 in W.P.No.23524 of 1999; however, we make it clear that the Writ Petition was disposed of in the absence of the writ petitioner.

Further, the only observation made was to follow the procedure and take possession. Therefore, that itself cannot be taken as a seal in respect of the right, title or interest in favour of the writ petitioner-first respondent herein. It is needless to mention that whenever such applications are filed, the Gram Panchayat shall consider the same on merits in accordance with law and in view of the proceedings in the Writ Petition.

Subject to the above, the Writ Petition is disposed of. No costs.

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(B.PRAKASH RAO, J)

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(RAMESH RANGANATHAN, J)

18th August 2006
RRB